

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ELIZABETH NORWOOD,

Plaintiff,

**MULBERRY MEDICAL
AESTHETICS, LLC, and
THERON HUTTON, MD,**

Defendants.

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No. 1:24-cv-00061

JURY DEMANDED

**Chief Judge Campbell
Magistrate Judge Holmes**

ANSWER

Defendants Mulberry Medical Aesthetics, LLC (“MMA”) and Theron Hutton, MD, (“Defendants”) by and through counsel, respectfully respond to the Complaint as follows:

THE PARTIES

1. Defendants are without sufficient information to admit or deny the allegations in Paragraph 1.
2. Denied to the extent this implies MMA is currently operating. Otherwise, admitted.
3. Denied to the extent this implies MMA is currently operating. Otherwise, admitted.
4. The allegations in Paragraph 4 of the Complaint constitute legal conclusions to which no response is required; to the extent a response is required, denied.
5. Denied.
6. Denied.
7. The allegations in Paragraph 7 of the Complaint constitute legal conclusions to which no response is required; to the extent a response is required, denied.
8. Denied.

9. The allegations in Paragraph 9 of the Complaint constitute legal conclusions to which no response is required; to the extent a response is required, denied.

10. The allegations in Paragraph 10 of the Complaint constitute legal conclusions to which no response is required; to the extent a response is required, denied.

JURISDICTION AND VENUE

11. Admitted.

12. Denied to the extent this implies Mulberry Medical Aesthetics, LLC is currently operating; otherwise, admitted.

FACTS

13. Admitted on information and belief, as of June 2023; Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 13 for time periods after June 2023.

14. Denied.

15. Admitted.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Defendants are without sufficient information to admit or deny the allegations in

Paragraph 24.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. The allegations in Paragraph 32 are not directed to the Defendants and, as such, no response is required; to the extent a response is required, Defendants are without sufficient information to admit or deny the allegations in Paragraph 32.

CAUSES OF ACTION

COUNT ONE - VIOLATION OF THE FLSA

33. Defendants incorporate by reference the above responses.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

COUNT TWO - UNJUST ENRICHMENT

38. Defendants incorporate by reference the above responses.

39. Denied.

40. Denied.

41. Denied.

42. Denied.
43. Denied.
44. Denied.
45. The prayer for relief and any allegation not expressly addressed above is hereby denied.

AFFIRMATIVE DEFENSES

As separate defenses to the allegations contained in the Complaint and the causes of action set forth therein and without assuming any additional burdens of proof, Defendant states as follows:

1. The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.
2. The allegations against Dr. Hutton, individually, as a supervisor but not an employer of Plaintiff, fail to state a claim upon which relief can be granted under either the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. or other state or federal law.
3. Any claim by Plaintiff is barred by the doctrine of waiver, estoppel and/or unclean hands.

Respectfully submitted,

/s/ Lauren Z. Curry

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*Counsel for Mulberry Medical Aesthetics, LLC
and Theron Hutton, M.D.*

CERTIFICATE OF SERVICE

Service of the foregoing Answer was accomplished by the Court's ECF system on this 13th day of September, 2024, upon the following:

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/s/ Lauren Z. Curry
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